

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA

Claim No. CU -0806

Decision No. CU 550

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by the WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA, in the amount of \$6,811.68, and is based upon the asserted loss of Bibles and Bible literature confiscated by the Government of Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1965), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 502(1) of the Act defines the term "national of the United States" as "(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity."

The claimant was incorporated in the State of Pennsylvania in 1884 as Zion's Watch Tower Tract Society, a nonprofit corporation which issued no shares of stock, and changed its name in 1896 to Watch Tower Bible & Tract Society, and in 1955 to WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA. An officer of claimant corporation has certified that more than 50% of the beneficial interest in the claimant has been owned by United States nationals at all times between January 1, 1959 and August 22, 1966, the date of presentation of the claim. The Commission holds that claimant is a national of the United States within the meaning of Section 502(1)(B) of the Act.

Claimant states that approximately 80% of its members are nationals of the United States.

The record contains a copy of claimant's invoice No. 25565 of October 20, 1962, which reflects the shipment of goods to claimant's Cuban branch office in the amount of \$4,551.00, as to which freight, insurance, and similar fees increased the total to \$6,811.68. The goods involved consisted of Bibles and Bible literature paid for by claimant and shipped free of charge to the Cuban branch.

The record also contains a letter, addressed to claimant and signed by Mr. C. J. Goff, the manager of claimant's Cuban office and an ordained minister. This letter, dated January 11, 1963, relates that the shipment

in question had been seized and destroyed by the Cuban Government, although import permission had previously been obtained by claimant. The reason given for the confiscation was that the Bibles and literature were "counter-revolutionary" and "against the government". The facts stated in the letter are supported by an affidavit executed by Mr. Goff, swearing that the statements made in his letter are true, and by an affidavit executed by Mrs. Juana Goff to the same effect.

Based upon the foregoing, the Commission concludes that claimant suffered a loss within the meaning of Title V of the Act and that, in the absence of evidence to the contrary, the loss occurred on January 11, 1963, the date of Mr. Goff's letter advising claimant of the loss, in the amount of \$6,811.68.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (See the Claim of Lisle Corporation, FCSC Claim No. CU-0644.)

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum on \$6,811.68 from January 11, 1963, to the date on which provision is made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that the WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Six Thousand Eight Hundred Eleven Dollars and Sixty-Eight Cents (\$6,811.68) with interest thereon at 6% per annum from the date of loss to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

NOV 1 1967

CERTIFICATION
This is a true and correct copy of the decision of the Commission as entered in the file.
4 DEC 1967
Theodore Jaffe
Member of the Commission

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CU- 0806